

REFERENCE TITLE: law enforcement merit system councils

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1337

Introduced by
Senator Huppenthal; Representative O'Halleran; Senators Aguirre, Martin,
Miranda; Representative McComish

AN ACT

AMENDING SECTION 38-1003, ARIZONA REVISED STATUTES; RELATING TO LAW ENFORCEMENT MERIT SYSTEM COUNCILS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 38-1003, Arizona Revised Statutes, is amended to
3 read:

4 38-1003. Powers and duties of council

5 A. The council, pursuant to recognized merit system principles of
6 public employment, shall from time to time:

7 1. Classify or reclassify all positions occupied by law enforcement
8 officers within the branch of government employing the officer and recommend
9 schedules of salary and other compensation payable for the officer
10 classification.

11 2. Fix and refix standards and qualifications of all positions so
12 classified.

13 3. Provide a plan for fair and impartial selection, appointment,
14 retention and separation or removal from service by resignation or dismissal
15 of all classified law enforcement officers. ~~The provisions of~~ Paragraph 4
16 ~~shall apply~~ APPLIES to appointments.

17 4. Provide a plan for promotion of law enforcement officers ~~which~~
18 ~~shall give THAT GIVES~~ appropriate consideration to qualifications, record of
19 performance, seniority and conduct within the field of law enforcement.
20 Vacancies within a department shall be filled whenever possible by promotion
21 within a department and shall be on the basis of competitive examination. If
22 a vacancy occurs within a department the council, upon request, shall certify
23 to the head of the department the names of five officers in the order of
24 their relative excellence in the competitive examination from which certified
25 list the appointment or promotion may be made.

26 5. Adopt rules necessary for the orderly administration of ~~the~~
27 ~~provisions of~~ this article.

28 6. Hear and review appeals from any order of the department head in
29 connection with suspension, demotion or dismissal of a classified law
30 enforcement officer. If the order of the department head was for a
31 suspension greater than sixteen hours, demotion or dismissal and the council
32 exonerates the officer, the council may award, in whole or in part, the
33 reasonable costs and attorney fees that the employee incurred in connection
34 with the appeal. The award of attorney fees by the council shall not exceed
35 ten thousand dollars. An award of attorney fees does not apply if either of
36 the following applies:

37 (a) The order of the department head was not for disciplinary purposes
38 but was for administrative purposes such as a reduction in force.

39 (b) The disciplinary action related to off-duty activities unrelated
40 to the required duties of the law enforcement officer. The council's
41 determination shall be final except on appeal as provided in section
42 38-1004. If the department head appeals the decision of the council, the
43 council's award of any costs or attorney fees to an officer shall be stayed
44 pending the conclusion of the appeal. If the department head's decision is

1 upheld on appeal, the award of costs or attorney fees in favor of the officer
2 shall be reversed.

3 B. FOR APPEALS BROUGHT PURSUANT TO SUBSECTION A, PARAGRAPH 6 OF THIS
4 SECTION, THE COUNCIL MAY ADOPT A STANDARD OF REVIEW THAT IS CONSISTENT WITH
5 RECOGNIZED MERIT SYSTEM PRINCIPLES OF PUBLIC EMPLOYMENT.